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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,332	12/04/2001	Hirofumi Okamura	1248-0567P-SP	9777

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EXAMINER
BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/000,332	OKAMURA ET AL.
	Examiner	**Art Unit**	
	Alina N Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/12/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed May 12, 2006. Claims 27-28

have been newly added. Accordingly, claims 1-28 are pending in the application.

Claim Rejections - 35 USC § 112

Due to Applicant's persuasive argument, the rejection of claims 24-26 is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-5, 7, 9-13, 15-18 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 2002/0002596 by Sugiarto et al. (hereinafter referred to as Sugiarto).

Regarding claim 1, Sugiarto teaches a database server accessible to/from a client via a

network, comprising:

reception and transmission means for sending/receiving data to/from the client [0018];

data storage means having a client data storage region which stores client data

corresponding to the client [figure 1; abstract; 0006; 0016, 0020; 0024: database storing client

configuration file];

client data management means for managing the client data [abstract; 0006; 0020]; and

information collection condition set means for setting, when the client data is modified,

an information collection condition for specifying such information data as to be required by the

client in future based on the modification [0020-0022: configuration file]

Sugiarto does not explicitly teach information data creation means for creating the

information data by a search performed according to the information collection condition,

although he teaches retrieving of web pages based on a list of URL's after upon completion of

editing the configuration file [0024; 0026]. It is well known in the art of computing that in order

to retrieve something, it has to be searched as evidenced by High-Tech Dictionary Definition for

"retrieve," which is defined as "to locate data in storage, so it can be displayed on the screen

and/or processed." In this case, "to locate" has substantial meaning as "to search" as required by

the claim. At the time the invention was made, one of ordinary skill in the art would have been

motivated to create an information data by a search in order to provide users with personalized

information retrieval scheme, thus allowing needs according to the capabilities of user's device.

Regarding claim 2, Sugiarto teaches the database server set forth in claim 1, wherein: the

client is informed of the creation of the information data [0024; 0026].

Regarding claim 3, Sugiarto teaches the database server set forth in claim 1, wherein: the client is informed of the information collection condition [0024; 0026].

Regarding claim 4, Sugiarto teaches the database server set forth in claim 1, wherein: the information collection condition set means is actuated upon access to/from the client [0020; 0025].

Regarding claim 5, Sugiarto teaches the database server set forth in claim 1, wherein: the information collection condition set means modifies the information collection condition based on client's instructions [0020-0022].

Regarding claim 7, Sugiarto teaches the database server set forth in claim 1, wherein: the information collection condition set means sets the information collection condition based on a network address which corresponds to an attribute of the modified client data [0025].

Regarding claim 9, Sugiarto teaches the database server set forth in claim 1, wherein: the information data creation means searches the data storage means [0024 and 0026].

Regarding claim 10, Sugiarto teaches the database server set forth in claim 1, wherein:

the information data creation means stores in the data storage means the created information data

in association with the client data [0020].

Regarding claim 11, Sugiarto teaches the database server set forth in claim 1, wherein:

the information data creation means causes the created information data to include presentation

format control data which controls a format in which the client data is presented by the client

[abstract; 0006; 0020].

Regarding claim 12, Sugiarto teaches the database server set forth in Claim 1, wherein:

the client data management means modifies the client data based on an instruction given from a

different server capable of accessing the network [0020; 0023].

Regarding claim 13, Sugiarto teaches the database server set forth in claim 1, wherein:

the information collection condition set means sets the information collection condition by using

separate client information [0020].

Regarding claim 15, Sugiarto teaches a database server accessible to/from a client via a

network, comprising:

reception and transmission means for sending/receiving data to/from the client [0018];

data storage means having a client data storage region which stores client data

corresponding to the client [figure 1; abstract; 0006; 0016, 0020; 0024]; and

information collection condition set means for detecting a data modification in the client

data storage region and setting an information collection condition for specifying such

information data as to be required by the client in future based on results of the detection [0020-

0022].

Sugiarto does not explicitly teach information data creation means for creating the

information data by a search performed according to the information collection condition,

although he teaches retrieving of web pages based on a list of URL's [0024; 0026]. It is well

known in the art of computing that in order to retrieve something, it has to be searched as

evidenced by High-Tech Dictionary Definition for "retrieve," which is defined as "to locate data

in storage, so it can be displayed on the screen and/or processed." In this case, "to locate" has

substantial meaning as "to search" as required by the claim. At the time the invention was made,

one of ordinary skill in the art would have been motivated to create an information data by a

search in order to provide users with personalized information retrieval scheme, thus allowing

needs according to the capabilities of user's device.

Regarding claim 16, Sugiarto teaches a server-executable information management

program, comprising the steps of:

detecting a modification in such client data corresponding to each client that is under management of the server [0020]; and

setting an information collection condition for specifying such information data as to be required by the client in future based on the modification [0020-0022].

Sugiarto does not explicitly teach information data creation means for creating the information data by a search performed according to the information collection condition, although he teaches retrieving of web pages based on a list of URL's [0024; 0026]. It is well known in the art of computing that in order to retrieve something, it has to be searched as evidenced by High-Tech Dictionary Definition for "retrieve," which is defined as "to locate data in storage, so it can be displayed on the screen and/or processed." In this case, "to locate" has substantial meaning as "to search" as required by the claim. At the time the invention was made, one of ordinary skill in the art would have been motivated to create an information data by a search in order to provide users with personalized information retrieval scheme, thus allowing needs according to the capabilities of user's device.

Regarding claim 17, Sugiarto teaches a computer-readable recording medium in which the information management program of claim 16 is recorded [figure 1; abstract; 0006; 0016, 0020; 0024].

Regarding claim 18, Sugiarto teaches an information management method which allows a server to manage information corresponding to each client, comprising the steps of:

detecting a data modification in a client data storage region, the client data corresponding to each client [0020]; and

setting an information collection condition for specifying such information data as to be required by the client in future based on the data modification thus detected [0020-0022].

Sugiarto does not explicitly teach information data creation means for creating the information data by a search performed according to the information collection condition, although he teaches retrieving of web pages based on a list of URL's [0024; 0026]. It is well known in the art of computing that in order to retrieve something, it has to be searched as evidenced by High-Tech Dictionary Definition for "retrieve," which is defined as "to locate data in storage, so it can be displayed on the screen and/or processed." In this case, "to locate" has substantial meaning as "to search" as required by the claim. At the time the invention was made, one of ordinary skill in the art would have been motivated to create an information data by a search in order to provide users with personalized information retrieval scheme, thus allowing needs according to the capabilities of user's device.

Regarding claim 21, Sugiarto teaches the database server as set forth in claim 1, wherein the information collection condition set means sets the information collection condition automatically upon modification of the client data [0024].

Regarding claim 23, Sugiarto teaches the database server as set forth in claim 1, wherein the information collection condition set means sets the information collection condition based on position information stored in the client data [0031].

Claims 6, 8, 14, 22, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto in view of Malik (USPN 6,842,782).

Regarding claim 6, Sugiarto fails to teach teaches the database server set forth in claim 1, wherein: the information collection condition set means sets the information collection condition with reference to a keyword table which corresponds to an attribute of the client data. Malik teaches a database server wherein: the information collection condition set means sets the information collection condition with reference to a keyword table which corresponds to an attribute of the client data (figure 6; col. 7, lines 16-28). At the time the invention was made, one of ordinary skill in the art would have been motivated to set information collection condition with reference to a keyword table in order to provide easy search, thus making it easier to find information.

Regarding claim 8, Sugiarto fails to explicitly teach the database server set forth in claim 1, wherein: the information collection condition set means sets the information collection condition by using a record of information data collection performed in the past. Malik teaches a database server wherein: the information collection condition set means sets the information

collection condition by using a record of information data collection performed in the past (col.

26, lines 53-62). At the time the invention was made, one of ordinary skill in the art would have

been motivated to set information collection condition by using a record information perform in

the past in order to aid developer in predicting when a site change may occur (col. 26, lines 61-

62).

Regarding claim 14, Sugiarto fails to explicitly teach the database server set forth in

claim 13, wherein: the separate client information includes information on use status of the

information data created by the information creation means in the past. Malik teaches the

database server wherein: the separate client information includes information on use status of the

information data created by the information creation means in the past (abstract). At the time the

invention was made, one of ordinary skill in the art would have been motivated to include

information on use status of the information data created by the information creation means in

the past in order to aid developer in predicting when a site change may occur (col. 26, lines 61-

62).

Regarding claim 22, Sugiarto fails to explicitly teach the database sever as set forth in

claim 1, wherein the information collection condition set means sets the information collection

based on schedule data contained in the client data. Malik teaches the database sever wherein

the information collection condition set means sets the information collection based on schedule

data contained in the client data (col. 17, lines 5-24). At the time the invention was made, one of

ordinary skill in the art would have been motivated to set the information collection based on a

schedule data contain in the client data in order to provide client the ability to specify the time or

period for obtaining data.

Regarding claim 24, Sugiarto teaches a method of collecting information comprising the

steps of: storing client data [figure 1; abstract; 0006; 0016, 0020; 0024: database storing client

configuration file] and detecting a modification of the client data (abstract). Sugiarto does not

explicitly teach defining search condition although he teaches retrieving of web pages based on a

list of URL's [0024; 0026]. It is well known in the art of computing that in order to retrieve

something, it has to be searched as evidenced by High-Tech Dictionary Definition for "retrieve,"

which is defined as "to locate data in storage, so it can be displayed on the screen and/or

processed." In this case, "to locate" has substantial meaning as "to search" as required by the

claim.

Sugiarto also does not explicitly defining a search condition for retrieving information

related to at least one of the stored client data; inputting the search condition to a search engine;

performing a search with the search engine to locate information related to the at least one stored

client data; detecting a modification of the client data; automatically defining a new search

condition for retrieving information related to the detected modification; inputting the new

search condition to the search engine to locate information related to the modified client data;

and performing a search with the search engine to locate information related to the modified

client data.

Malik teaches defining a search condition for retrieving information related to at least one

of the stored client data; inputting the search condition to a search engine; performing a search

with the search engine to locate information related to the at least one stored client data;

automatically defining a new search condition for retrieving information related to the detected

modification; inputting the new search condition to the search engine to locate information

related to the modified client data; and performing a search with the search engine to locate

information related to the modified client data (col. 11, lines 49-51). It the time the invention was

made, one of ordinary skill in the art would have been motivated to incorporate the teaching of

Malik in order to provide automated site navigation and manipulation for users.

Regarding claim 25, Sugiarto teaches the method of claim 24, wherein said step of

defining a search condition for retrieving information for retrieving information related to the

stored client data comprises the step of defining a search condition for retrieving information

related to and not specified by the stored client data (abstract; 0006).

Regarding claim 26, Sugiarto teaches the method of claim 24 wherein said at least one

client data does not comprise a URL [0026].

Regarding claim 27, Sugiarto fails to explicitly teach the database server as set forth in

claim 1, wherein the information collection condition set means sets the information collection

condition based on schedule data of the client data. Malik teaches the database sever wherein the information collection condition set means sets the information collection based on schedule data contained in the client data (col. 17, lines 5-24). At the time the invention was made, one of ordinary skill in the art would have been motivated to set the information collection based on a schedule data contain in the client data in order to provide client the ability to specify the time or period for obtaining data.

Regarding claim 28, Sugiarto does not explicitly the database server as set forth in claim 1, wherein the information collection condition set means sets the information collection condition based on place-name or a data keyword of the client data. Malik teaches a database server wherein: the information collection condition set means sets the information collection condition with reference to a keyword table which corresponds to an attribute of the client data (figure 6; col. 7, lines 16-28). At the time the invention was made, one of ordinary skill in the art would have been motivated to set information collection condition with reference to a keyword table in order to provide easy search, thus making it easier to find information.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto in view of Applicant's admitted prior art (AAPR).

Regarding claim 19, Sugiarto teaches a method of collecting information comprising the steps of:

storing client data [figure 1; abstract; 0006; 0016, 0020; 0024: database storing client configuration file];

setting an information collection condition [0020-0022];

collecting information based on the information collection condition [0020-0022: configuration file];

detecting a modification of the client data [0024];

changing the collection condition based on the detected modification [0020, 0024]; and

collecting information based on the changed information collection condition [0024].

However, Sugiarto fails to explicitly teach changing the collection condition automatically. AAPR teaches this limitation in the specification, page 2, lines 12-20. At the time the invention was made, one of ordinary skill in the art would have been motivated to automatically change information collection condition based on the detected modification in order to provide automated site navigation and manipulation for users.

Claim 20 is similar to claim 1 except that information collection condition is set automatically. AAPR teaches this limitation in the specification, page 2, lines 12-20. At the time the invention was made, one of ordinary skill in the art would have been motivated to

automatically change information collection condition based on the detected modification in order to provide automated site navigation and manipulation for users.

Response to Arguments

Applicant's arguments have been considered but not found persuasive. In the remarks, Applicant argues that the definition of "retrieve" as provided by the PTO does not support the Examiner's basis for taking official notice. Applicant maintains that data and other items can be retrieved without being search by providing another definition from the Merriam-Webster Online Dictionary. Although the definitions from the two sources are not identical, Applicant employs broad language, which includes the use of word "search," which have broad meanings in the art. In addition, Applicant has not amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly

and distinctly, define the claimed invention. Should Applicant disagrees, an appeal to the BPAI
is highly suggested.

In response to applicant's argument that there is no suggestion to combine the references,
the examiner recognizes that obviousness can only be established by combining or modifying the
teachings of the prior art to produce the claimed invention where there is some teaching,
suggestion, or motivation to do so found either in the references themselves or in the knowledge
generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5
USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.
1992).

Regarding claim 19, Applicant is correct in that 'Summary of the Invention" portion of
the application cannot be used to reject the claims. This cited portion is deleted from the
rejection. However, AAPA: lines 12-20 of page 2 of the specification, combined with the
teaching of Sugiarto still apply to the rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
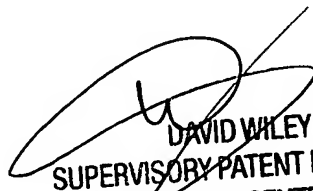
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANB

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